IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSHUA BENJAMIN, a minor, by **CIVIL ACTION** THOMAS BENJAMIN and JANET NO. 12-0585

BENJAMIN,

Plaintiffs,

v.

JAMES B. FASSNACHT,

PA STATE POLICE CORPORAL BRAY, :

LANCASTER COUNTY,

DAVID MUELLER,

CAROLE TROSTLE,

DREW FREDERICKS,

and JOHN DOE and JANE DOE, (Electronically Filed)

JURY TRIAL DEMANDED Defendants.

NOTICE OF APPEAL

Notice is hereby given that Lancaster County, Joseph Choi, and Darren Dubey ("Lancaster Defendants"), defendants in the above-named case, hereby appeal to the United States Court of Appeals for the Third Circuit from the August 14, 2014 Order Denying in part Defendants' Motion for Summary Judgment (Doc. No. 57).

¹ All claims against the other named Defendants were dismissed by This Court's Order of August 14, 2014 (Doc. No. 57).

Respectfully submitted,

Dated: September 12, 2014

/s/ David J. MacMain

David J. MacMain (PA No. 59320)
Brian H. Leinhauser (PA No. 203945)
Charles R. Starnes (PA No. 311862)
The MacMain Law Group, LLC
101 Lindenwood Dr., Suite 160
Malvern, PA 19355
(484) 318-7106
dmacmain@macmainlaw.com
bleinhauser@macmainlaw.com
cstarnes@macmainlaw.com

CERTIFICATE OF SERVICE

I, David J. MacMain, hereby certify that on this 12th day of September 2014, I caused the foregoing Notice of Appeal to be served upon the following via electronic notification:

Kevin C. Allen, Esquire Crystle, Allen & Gimes, LLC 143 North Duke Street Lancaster, PA 17602 Attorney for Plaintiffs

Keli M. Neary, Esquire PA Office of Attorney General 15th Floor, Strawberry Square Harrisburg, PA 17120 Attorney for Co-Defendants

Barry N. Kramer, Esquire
PA Office of Attorney General
21 S. 12th Street
Third Floor
Philadelphia, PA 19107
Attorney for Co-Defendants

This *Certificate of Service* and the said filing are intended to be available for viewing and downloading from the ECF system of the United States District Court for the Middle District of Pennsylvania.